

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-9 have been canceled without prejudice or disclaimer of the subject matter contained therein. Claims 10-16 have been added. No new matter is added by claims 10-16. Thus, claims 10-16 are pending in the present application, of which claims 10 and 14-16 are independent.

Noted - Priority Document Received By USPTO

The indication (see Office Action Summary, boxes 12(a)(1) are checked) that the certified copy of the priority document has been received by the USPTO is noted with appreciation.

Noted – Information Disclosure Statements Considered

The indication (see Examiner-initialed attachments to the present Office Action) that the Information Disclosure Statements as filed on December 24, 2003 and April 6, 2005, and references listed therein have been considered is noted with appreciation.

Approval of Drawings Requested

Drawings were submitted on December 24, 2003. To date, no official indication of approval of the drawings has been noted in the prosecution history. The undersigned has no reason to believe that this circumstance implies anything other than a minor oversight on the part of the USPTO. Accordingly, official approval of the drawings is hereby respectfully requested.

Objection to the Title

The title is objected as being not descriptive. By this reply, the title has been amended to be more descriptive. Accordingly, withdrawal of the title objection is respectfully requested.

Objection to the Specification

The Abstract is objected to because the language is not clear and concise. By the foregoing amendments, the Abstract has been amended to address the objection to the Abstract. Accordingly, withdrawal of the objection to the Abstract is respectfully requested.

Claim Rejection Under 35 U.S.C. §101

Claims 4, 5, and 9 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, the Office Action asserts that the claims 4, 5, and 9 are directed to computer programs. By the foregoing amendments, claims 4, 5, and 9 have been canceled. Further, it is noted that none of new claims 10-16 are directed to computer programs. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. §112

Claims 2 and 9 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 2 and 9 have been canceled.

This rejection was taken into consideration, and it is submitted each of new claims 10-16 particularly out and distinctly claim their subject matter. Accordingly, withdrawal of the rejection to claims 2 and 9 is respectfully requested. Also, it is respectfully submitted that claims 10-16 are definite.

Claim Rejection Under 35 U.S.C. §102

Claims 1 and 3-4 are rejected under 35 U.S.C. §102(b) as being anticipated by Huang et al. (US 6,122,713). By the foregoing amendments, claims 1 and 3-4 have been canceled. However, because new claims 10-16 include (among other things) features similar to the features of claims 1 and 3-4, an explanation is provided below indicating new claims 10-16 are distinct from Huang et al.

INDEPENDENT CLAIM 10, 15 and 16

As an example, independent claim 10 recites (among other things) the following features:

- the first information processing apparatus includes: ...;
 - a communication control unit that controls communication with the second information processing apparatus to transmit the access request stored in the first cache unit sequentially to the second information processing apparatus, and
- the second information processing apparatus includes:
 - a second cache unit that temporarily stores the access request transmitted by the communication control unit; and
 - a control unit that controls access to the first storing unit or the second storing unit according to the access request stored in the second cache unit in parallel with receiving a new access request from the communication control unit.

(Underlining is added for emphasis.) As will be explained below, at least these features of claim 10 provide distinctions over Huang et al.

Huang et al. recites (col. 5, lines 38-43) the following:

Host bus 162 is coupled to an expansion or input/output bus 170 by means of a bus controller 168. The bus controller 168 preferably comprises standard PC chipset logic. The expansion bus 170 is preferably the PCI (Peripheral Component Interconnect) bus, and the bus controller 168 is preferably chipset logic, available from Intel Corporation.

However, Huang et al. does not disclose that one information processing

apparatus controls access to a storing unit according to an access request stored in a cache unit in parallel with receiving new access request from the other information processing apparatus. Hence, at least the noted features, namely “a control unit that controls access to the first storing unit or the second storing unit according to the access request stored in the second cache unit in parallel with receiving a new access request from the communication control unit,” provides distinctions over Huang et al.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. In view of the distinctions of claim 10 noted above, at least one claimed element is not present in Huang et al. Hence, Huang et al. does not anticipate claim 10.

Claims 11-13 ultimately depend from claim 10, respectively, and so at least similarly distinguish over Huang et al. Hence, Huang et al. also does not anticipate claims 11-13.

Claims 15 and 16 recite (among other things) features similar to the above noted features of claim 10. At least the features of claims 15 and 16 that are similar to the above noted features of claim 10 provide distinctions over Huang et al. Hence, Huang et al. does not anticipate new claims 15 and 16.

CLAIM 14

As an example, independent claim 14 recites (among other things) the following features:

- a switching unit that switches a connection between a storing unit and either one of the gateway card and the information processor; ...

- a cache unit that temporarily stores the access request allocated to the second access; and

- a communication control unit that controls communication with the information processor to transmit the access request stored in the cache unit sequentially to the information processor.

As will be explained below, at least these features of claim 14 provide distinctions over Huang et al.

Huang et al. recites (column 7, lines 1-4) the following:

the shared memory region in the RAM 204 is dual ported and hence accessible by both the host PC, i.e., the host CPU 160, and the local processor 202 comprised on the card 122.

However, Huang et al. does not disclose that the card temporarily stores an access request corresponding to an access to the shared memory region via the host PC. Hence, at least the noted features, namely "a cache unit that temporarily stores the access request allocated to the access via the information processor," provides distinctions over Huang et al.

By failing to show each and every element of claim 14 as arranged in the claim, Huang et al. fails to anticipate claim 14.

Claim Rejection Under 35 U.S.C. §103

Claims 2 and 5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Huang et al. in view of Toyoda Yasushi (Japanese Patent Pub. No. 2002366308). Similarly, claims 6-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Huang et al. in view of Muehsam (US 6,608,400). By the foregoing amendments, claims 2 and 5-9 have been canceled. In addition, new claims 10-16 distinguish over the asserted combination of references, as explained below.

Features that distinguish new independent claims 10 and 14-16 over Huang et al. are noted above. Regarding Toyoda Yasushi, the Abstract of Toyoda Yasushi recites:

In the case that the empty capacity of the fundamental

storage part 321 is equal to or smaller than a certain value, data itself are stored in the extended storage part 411 after management information indicating that the data has been stored in the extended storage part 411 is stored in the incorporated fundamental storage part 321.

However, Toyoda Yasushi does not teach the noted features of claims 10 and 14-16. Hence, the noted features of claims 10 and 14-16 provide distinctions over Toyoda Yasushi.

Regarding Muehsam, column 3, lines 16-20 of Muehsam recites:

When the voltage at the input terminal fails, this voltage being connected at the moment to the output terminal by the switchover PCS, the switchover automatically switches to an input terminal at which a voltage is adjacent.

However, Muehsam does not teach the noted features of claims 10 and 14-16. Hence, the noted features of claims 10 and 14-16 provide distinctions over Muehsam.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claims 10 and 14-16 noted above, at least one claimed element is not present in the asserted combination of references. Hence, a *prima facie* case of obviousness vis-à-vis claims 10 and 14-16 using the currently cited references cannot be established. Claims 11-13 ultimately depend from claim 10, respectively, and so at least similarly distinguish over the asserted combination of references.

In view of the foregoing discussion, claims 10-16 are believed to patentably distinguish over the cited references. Accordingly, claims 10-16 are believed to be in condition for allowance.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and

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allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

Respectfully submitted,

Dated: March 18, 2009

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